

Implementation of Reform of the Statistical System in Japan

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Summary

The statistical system of Japan has changed greatly by the new Statistics Act (Act No.53 of 2007). Main points of the new statistical system are as follows.

1) Establishment of a Basic Plan concerning the development of official statistics in order to promote measures comprehensively and systematically for the development of official statistics

2) Promotion of effective utilization of statistical data through production of statistics in response to the request from the citizens and provision of anonymized data

3) Establishment of the Statistics Commission to deal with matters based on the provisions of the Act such as establishment of the Basic Plan concerning the development of official statistics

The Basic Plan concerning the development of official statistics is a road map in order to implement the development of statistics and the promotion of efficient utilization of statistical data in Japan. A draft Basic Plan, which is based on the deliberations of the Statistics Commission, was released in October 2008. The Government is to adopt the Basic Plan as a cabinet decision by March of next year. The new Statistics Act is to be wholly enforced on April 1, 2009.

In this paper we describe an outline of the reform of the statistical system and challenges to be addressed in Japan.

1 Outline of the Current Statistical System in Japan

Governmental statistical activities in Japan are conducted by the ministries and

agencies of the national government, their local branch offices and the local governments. The national government has adopted a decentralized statistical system in which each ministry or agency has a division engaging in statistical activities. The Office of Director-General for Policy Planning on Statistical Standards (Ministry of Internal Affairs and Communications (MIC)) acts as overall coordinator of this decentralized system to develop statistical systems, ensure the accuracy and reliability of statistics, enhance comparability in statistics, and reduce the reporting burden.

(Note)

The Statistics Bureau of the MIC plans and executes nationwide statistical surveys that produce fundamental data on a nationwide scale and require large-scale coverage and continuity, such as the Population Census.

The other ministries and agencies have their own statistics divisions for planning and executing surveys relevant to their fields of jurisdiction.

SNA statistics are compiled by the Cabinet Office.

Field operations for the national statistical surveys are carried out by the local branch offices of national government agencies or the local governments.

The current legal framework for official statistics was established mainly by the Statistics Law (1947) and the Statistical Reports Coordination Law (1952). The main functions for overall coordination based on these laws are as follows.

- 1) Planning of basic policies on statistical systems
- 2) Examining and coordinating statistical surveys of the national government
- 3) Establishing statistical standards
- 4) Coordinating matters related to international statistical affairs

2 Necessity of Reform of the Statistical System

These two laws have contributed to the rapid reconstruction of Japanese statistical system and provision of necessary data for decision-making in the national government as a legal framework for official statistics since the end of World War . However, 60 years have passed since the current statistical system was established, and some deficiencies emerged in meeting new challenges, such as responding to the rapidly changing industrial structure and meeting new diverse needs of users. The problems

with the current statistical system are as follows.

- 1) Most official statistics are produced primarily for the administrative purposes of the respective ministries and agencies, and there is insufficient production of statistics widely required in society.
- 2) The sources of statistics are mainly statistical surveys, and utilization of administrative records is limited.
- 3) Utilization of statistics does not sufficiently reflect newly emerging needs and major advances in ICT.
- 4) Under the decentralized statistical system, the coordinating agency does not play an active role, for example in presenting a direction in the development of official statistics

In the changing environment surrounding statistics, various problems have emerged and activities mainly based on the current statistical laws have got unable to address the problems. It became important that official statistics of Japan should be improved from the aspect of both individual statistics and the legal framework, in order to respond properly to the change of needs and society, and to overcome the problems. Above all, fundamental reform of the legal system was required.

3 Process of Reform of the Statistical System

Discussion on reform of the statistical system was started in mid-2004 by the Council on Economic and Fiscal Policy chaired by the Prime Minister. To follow up this discussion, a special committee was set up in the Cabinet Office in November 2004 to give specific recommendations to the government. The committee published its first report in June 2005 and its final report in June 2006.

In its first report released in June 2005, the committee proposed that statistics responding to changes in industrial structures such as the Economic Census and service sector statistics should be developed and that a fundamental review of the legal system for official statistics should be performed to strengthen the function of “headquarters” for the development of statistics.

The committee then deliberated on reform of the statistical legal system, and in its final report published in June 2006 proposed the basic framework of a new statistical legal system.

Following this report, it was decided in July 2006 by the cabinet decision named “Basic Policies for Economic and Fiscal Policy Management and Structural Reform 2006” that a bill for fundamental reform of the statistical system should be introduced to the next ordinary Diet session.

For this purpose, MIC (Office of Policy planning on Statistical Standards, which is responsible for the legal system for official statistics) prepared a new bill named new Statistics Bill and the bill was introduced to the Diet on February 13, 2007. Through the deliberations of the Diet the new Statistics Act was enacted on May 23, 2007 and it was partially enforced in October 1, 2008 (Articles about establishment of a Basic Plan concerning the development of official statistics and the Statistics Commission). The new Statistics Act is to be wholly enforced on April 1, 2009. The schedule for enforcement of the Act is as follows.

Schedule for Enforcement of the New Statistics Act

2007 May 23

Promulgation of the new Statistics Act

2008 Oct. 1

Partial Enforcement of the new Statistics Act

(About establishment of a Basic Plan and the Statistics Commission)

2008 Jan. 21

Start of deliberations on a Basic Plan (in the Statistics Commission)

2008 Oct. 24

Release of the draft Basic Plan

By 2008 March

Cabinet decision of the Basic Plan

2008 Apr.1

Wholly Enforcement of the new Statistics Act

4 Outline of the New Statistics Act

Statistics produced by the national and local governments and other public bodies are essential for decision-making not only by those engaged in policy management and business but also by individuals, and that providing necessary statistics as an

information infrastructure should be one of the basic administrative services of the government. In other words the aim of the current statistical reform is to change official statistics from “statistics for public administration” to “statistics as an information infrastructure of society”.

The following are the basic viewpoints in establishing a new legal system.

- 1) To build appropriate rules and frameworks for official statistics as an information infrastructure of society, from the viewpoints of both producers and users
- 2) To establish a mechanism to develop official statistics efficiently based on overall plans regardless of the sources or methods of producing statistics
- 3) To strengthen the function of “headquarters” for the development of official statistics

From these viewpoints, the new Statistics Act was required to be the basic statistical system for all official statistics, integrating the current two laws, namely the Statistics Law and the Statistical Reports Coordination Law.

The main points of the new Statistics Act are as follows.

- 1) Establishment of a Basic Plan as a cabinet decision in order to develop official statistics based on the overall plans of the whole government
- 2) Establishment of rules for utilizing administrative records in order to streamline statistical surveys and increase accuracy of statistics.
- 3) Development of “Establishment Frame Database” in order to increase the accuracy of statistics and reduce the reporting burden
- 4) Establishment of rules to make the obligation to ensure confidentiality clearer in cases where private enterprises are contracted to carry out statistical surveys
- 5) Promotion of the secondary use of statistical data (such as tailor-made compilation and utilization of anonymous micro data) with security of confidentiality in order to further contribute to academic studies
- 6) Establishment of the Statistics Commission in the Cabinet Office to deal with matters based on the provisions of the Act such as establishment of the Basic Plan concerning the development of official statistics.

5 Basic plan concerning the development of official statistics

One of most important items of the new Statistics Act is establishment of a Basic Plan concerning the development of official statistics in order to promote measures comprehensively and systematically for the development of official statistics.

The Basic Plan is a road map in order to implement both the development of statistics and the promotion of effective utilization of statistical data in Japan. A draft Basic Plan, which is based on the deliberations of the Statistics Commission, was released in October 2008.

The draft Basic Plan is an interim report about basic ideas, directions of policy and necessary measures concerning to the development of official statistics during coming five years. Through public comment and further deliberations, the government is to adopt the Basic Plan as a cabinet decision by March of next year.

Main points of the draft Basic Plan are as follows.

- (1) Basic policies for measures concerning the development of official statistics
 - 1) Role of official statistics
 - 2) Present status and challenges
 - 3) Basic viewpoints on the development of measures

- (2) Measures that the government shall implement comprehensively and systematically in order to develop official statistics
 - 1) Development of “Fundamental Statistics” which constitutes the base of a system of statistics
 - 2) Improvement of consistency and international comparability in statistics
 - 3) Development of statistics to meet changes of social or political needs

- (3) Other matters necessary to promote the development of official statistics
 - 1) Efficient production of statistics
 - 2) Acquisition and effective utilization of resources for statistics (budget, human resources)
 - 3) Promotion of effective utilization of statistical data
 - 4) Others

- (4) Promotion and assessment of the Basic Plan

6 Conclusion

Implementing reform of the statistical system and establishing a new statistical framework in which official statistics are produced and utilized more effectively will be essential for the further development of official statistics in Japan.

Now that the new Statistics Act was enacted, it is required that “we put new wine into new bottles”. The key concept of new statistics system is to change official statistics from “statistics for public administration” to “Statistics as an information infrastructure of society”. The Basic Plan should be a new prescription for the development of official statistics in Japan.

Appendix

The new Statistical Act (Act No.53 of 2007)

Statistics Act (Act No. 53 of 2007)

All provisions of the Statistics Act (Act No. 18 of 1947) shall be revised.

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Chapter I General Provisions

Article 1 (Purposes)

Recognizing that official statistics are critical information for the citizens in their reasonable decision making, the purposes of this Act are to promote systematic and efficient development of official statistics and to ensure the usefulness thereof through specifying basic matters concerning the production and provision of official statistics, and thereby to contribute to the sound development of the national economy and enhancement of the living standards of the citizens.

Article 2 (Definitions)

- (1) The term “administrative organs” as used in this Act means organs established within the Cabinet or organs established under the jurisdiction of the Cabinet pursuant to the provisions of laws, the Imperial Household Agency, organs provided in Article 49, paragraph (1) or paragraph (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or organs provided in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948).
- (2) The term “incorporated administrative agencies, etc.” as used in this Act means juridical persons listed as follows:
 - (i) Incorporated administrative agencies (meaning incorporated administrative agencies provided in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; the same shall apply in the following items);
 - (ii) Juridical persons specified by a Cabinet Order among those directly incorporated by Acts, those incorporated through a special act for establishment under a special Act (excluding incorporated administrative agencies), or those incorporated under special Acts and where approval from administrative agencies is required for their incorporation.
- (3) The term “official statistics” as used in this Act means statistics produced by administrative organs, local public entities, or incorporated administrative agencies, etc. (hereinafter referred to as “administrative organs, etc.”).
- (4) The term “fundamental statistics” as used in this Act means statistics falling under any of the following items:
 - (i) Population census statistics provided in Article 5, paragraph (1);
 - (ii) National accounts provided in Article 6, paragraph (1);
 - (iii) Statistics that are or are to be produced by administrative organs and are designated by the Minister of Internal Affairs and Communications as those falling under any of the following:
 - (a) Statistics that are particularly important for planning national policies and implementing them;
 - (b) Statistics that are expected to be widely utilized for decision-making or research activities in the private sector;
 - (c) Statistics that are required to be produced by international conventions or plans established by international organizations or that are particularly important in view of international comparability.

- (5) The term “statistical surveys” as used in this Act means surveys conducted by administrative organs, etc. by requesting individuals or juridical persons, or other organizations to report facts for the purpose of producing statistics; provided, however, that the following shall be excluded:
- (i) Surveys conducted by administrative organs, etc. within respective organs;
 - (ii) Surveys on which any act or Cabinet Order, other than this Act and orders based on this Act, provides that administrative organs, etc. are requested to report the fact;
 - (iii) Surveys that administrative organs, etc. specified by a Cabinet Order conduct with regard to duties specified by a Cabinet Order.
- (6) The term “fundamental statistical surveys” as used in this Act means statistical surveys for the purpose of producing fundamental statistics.
- (7) The term “general statistical surveys” as used in this Act means surveys other than fundamental statistical surveys among statistical surveys conducted by administrative organs.
- (8) The term “establishment frame database” as used in this Act means the collection of information concerning establishments that is systematically organized so that the information may be retrieved by using computers.
- (9) The term “statistical standards” as used in this Act means technical standards for ensuring uniformity and comprehensiveness in producing official statistics.
- (10) The term “administrative record information” as used in this Act means information produced or acquired by officials of administrative organs in the course of their duties, held by the administrative organs for their officials to utilize organizationally, and recorded in administrative documents (meaning administrative documents provided in Article 2, paragraph (2) of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999)) (such information shall exclude questionnaire information pertaining to fundamental statistical surveys and general statistical surveys, information recorded in the establishment frame database, and anonymized data.).
- (11) The term “questionnaire information” as used in this Act means information collected through statistical surveys that is recorded in documents, pictures, or electromagnetic records (meaning records made by an electronic form, a magnetic form, or any other form not recognizable to human perception).
- (12) The term “anonymized data” as used in this Act means questionnaire information that is processed so that no particular individuals or juridical persons, or other organizations shall be identified (including by way of collating it

with other information), for the purpose of providing it for general use.

Article 3 (Fundamental Principles)

- (1) Official statistics shall be developed systematically through mutual cooperation and the appropriate sharing of roles among administrative organs, etc.
- (2) Official statistics shall be produced with appropriate and reasonable methodologies, so as to ensure neutrality and reliability.
- (3) Official statistics shall be provided widely for the citizens so that they are easily accessible for their effective use.
- (4) Confidential matters concerning individuals or juridical persons, or other organizations that were used for producing official statistics shall be protected.

Article 4 (Basic Plan)

- (1) The government shall establish a Basic Plan concerning the development of official statistics (hereinafter referred to as the “Basic Plan” in this Article) in order to promote measures comprehensively and systematically concerning the development of official statistics.
- (2) The Basic Plan shall specify the following matters:
 - (i) Basic policies for measures concerning the development of official statistics;
 - (ii) Measures that the government shall implement comprehensively and systematically in order to develop official statistics;
 - (iii) Other matters necessary to promote the development of official statistics.
- (3) In establishing the Basic Plan for official statistics, matters pertaining to fundamental statistics and those pertaining to other official statistics shall be stated separately.
- (4) The Minister of Internal Affairs and Communications shall draw up a draft Basic Plan while hearing the opinions of the Statistics Commission, and shall request a decision of the Cabinet.
- (5) The Minister of Internal Affairs and Communications shall, when intending to prepare a draft Basic Plan pursuant to the provision of the preceding paragraph, take necessary measures in advance to reflect the opinions of the citizens pursuant to the provision of an Ordinance of the Ministry of Internal Affairs and Communications.
- (6) The government shall revise the Basic Plan approximately every five years, taking into account the changes in socioeconomic circumstances concerning statistics, based on evaluation of the effects of measures taken for the

development of official statistics. In this case, the provisions of the preceding two paragraphs shall apply mutatis mutandis.

Chapter II Production of Official Statistics

Section 1 Fundamental Statistics

Article 5 (Population Census Statistics)

- (1) With regard to persons specified by a Cabinet Order as those residing in Japan, the Minister of Internal Affairs and Communications shall conduct a complete census concerning individuals and households and produce statistics based on such a census (hereinafter referred to as “population census statistics” in this Article).
- (2) The Minister of Internal Affairs and Communications shall conduct a complete census as specified in the preceding paragraph (hereinafter referred to as the “population census”) every ten years and produce population census statistics. In the fifth year from the preceding population census, the population census shall be conducted in a simplified manner to produce population census statistics.
- (3) In addition to what is provided for in the preceding paragraph, the Minister of Internal Affairs and Communications may conduct an extraordinary population census to produce population census statistics, when he/she finds it necessary.

Article 6 (National Accounts Statistics)

- (1) The Prime Minister shall establish standards for producing national accounts statistics (hereinafter referred to simply as the “production standards” in this Article) in accordance with the standards concerning the system of national accounts specified by the United Nations, and produce national accounts statistics at least once a year thereon.
- (2) The Prime Minister shall, when intending to establish the production standards, hear the opinions of the Statistics Commission in advance. The same shall also apply to the case where he/she intends to modify it.
- (3) The Prime Minister shall, when having established the production standards, publicly notify to that effect. The same shall also apply to the case where he/she modified it.

Article 7 (Designation of Fundamental Statistics)

- (1) The Minister of Internal Affairs and Communications shall, when intending to make a designation under Article 2, paragraph (4), item (iii) (hereinafter referred to simply as a “designation” in this Article), consult with the head of the relevant administrative organ and hear the opinions of the Statistics Commission in advance.
- (2) The Minister of Internal Affairs and Communications shall, when having made a designation, publicly notify to that effect.
- (3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to changes in or cancellation of a designation.

Article 8 (Publication of Fundamental Statistics, etc.)

- (1) The head of an administrative organ shall, when having produced fundamental statistics, promptly publicize the fundamental statistics and matters specified by the Cabinet Order concerning fundamental statistics through the Internet or through other appropriate methods.
- (2) The head of an administrative organ shall, when intending to publicize the fundamental statistics prescribed in the preceding paragraph, specify the date and methods of publication and publicize them through the Internet or through other appropriate methods in advance.
- (3) The head of an administrative organ shall preserve information on fundamental statistics on a long-term and systematic basis and take other appropriate measures so that the citizens may always have easy access to such information.

Section 2 Statistical Surveys

Subsection 1 Fundamental Statistical Surveys

Article 9 (Approval of Fundamental Statistical Surveys)

- (1) The head of an administrative organ shall, when intending to conduct a fundamental statistical survey, obtain approval from the Minister of Internal Affairs and Communications in advance.
- (2) The head of an administrative organ who intends to obtain approval under the preceding paragraph shall submit a written application containing the following matters to the Minister of Internal Affairs and Communications:
 - (i) The title and the purpose of the survey;
 - (ii) The coverage of the survey;

- (iii) Matters on which a report is requested and the reference date or period;
 - (iv) Persons requested to report;
 - (v) Methods for requesting a report;
 - (vi) The period for requesting a report;
 - (vii) Tabulation items;
 - (viii) Methods and the date for publicizing survey results;
 - (ix) Statistical standards to be used and other matters specified by an Ordinance of the Ministry of Internal Affairs and Communications.
- (3) Questionnaires and other documents specified by an Ordinance of the Ministry of Internal Affairs and Communications shall be attached to a written application under the preceding paragraph.
- (4) The Minister of Internal Affairs and Communications shall, when an application for approval set forth in paragraph (1) has been filed, hear the opinions of the Statistics Commission; provided, however, that this shall not apply to the matters that the Statistics Commission finds to be minor.

Article 10 (Standard for Approval)

The Minister of Internal Affairs and Communications shall, when finding that a fundamental statistical survey pertaining to an application for approval under Article 9, paragraph (1) conform to all the following requirements, grant approval under the same paragraph:

- (i) Matters listed in Article 9, paragraph (2), items (ii) to (vi) are necessary and sufficient in light of the purpose of producing the fundamental statistics;
- (ii) The fundamental statistical survey is reasonable and appropriate in terms of statistical techniques;
- (iii) Duplication with other fundamental statistical surveys is within the limit considered to be reasonable.

Article 11 (Changes or Suspension of Fundamental Statistical Surveys)

- (1) The head of an administrative organ shall, when intending to change or suspend a fundamental statistical survey for which he/she has obtained approval under Article 9, paragraph (1), obtain approval from the Minister of Internal Affairs and Communications in advance.
- (2) The provision of Article 9, paragraph (4) shall apply mutatis mutandis to the approval for changes in and suspension of fundamental statistical surveys prescribed in the preceding paragraph, and the provision of Article 10 shall apply

mutatis mutandis to the approval for changes in fundamental statistical surveys provided in the same paragraph.

Article 12 (Request for Measures)

- (1) The Minister of Internal Affairs and Communications may, when finding that a fundamental statistical survey which is being conducted based on the approval under Article 9, paragraph (1) has become unconformable to any of the requirements listed in each item of Article 10, request the head of the relevant administrative organ to change or suspend the fundamental statistical survey.
- (2) The Minister of Internal Affairs and Communications shall, when intending to request a change or suspension pursuant to the provision of the preceding paragraph, hear the opinions of the Statistics Commission in advance.

Article 13 (Obligation to Report)

- (1) The head of an administrative organ may, when conducting a fundamental statistical survey based on the approval under Article 9, paragraph (1), request individuals or juridical persons, or other organizations to report on matters necessary for producing fundamental statistics.
- (2) A person who has been requested to report pursuant to the provision of the preceding paragraph shall not refuse such request nor make a false report.
- (3) When a person who has been requested to report pursuant to the provision of paragraph (1) is a minor (excluding those who have the same capacity as adults with regard to work) or an adult ward, the statutory representative thereof shall be obliged to report in lieu of the person in question.

Article 14 (Enumerators)

The head of an administrative organ may put in place enumerators when it is necessary for conducting a fundamental statistical survey.

Article 15 (Entry and Inspection, etc.)

- (1) The head of an administrative organ may, when finding it necessary to request an accurate report for a fundamental statistical survey which he/she conducts, request the person who has been requested to report for the fundamental statistical survey to submit materials concerning the report, or have his/her enumerators or other officials enter the necessary places to inspect books, documents, and other articles, or question any persons concerned.

- (2) Enumerators or other officials who enter a place for inspection pursuant to the provision of the preceding paragraph shall carry a certificate for identification and produce it to the persons concerned when requested.
- (3) The authority pursuant to the provision of paragraph (1) shall not be construed as that of the purpose of criminal investigation.

Article 16 (Affairs Undertaken by Local Public Entities)

A part of the affairs concerning fundamental statistical surveys may be undertaken by the heads of local public entities or boards of education pursuant to the provision of a Cabinet Order.

Article 17 (Prohibition of Impersonating Fundamental Statistical Surveys)

No person shall acquire information from individuals or juridical persons or other organizations by using an indication or explanation that might lead persons to misidentify it as a request for a report for the population census or other fundamental statistical surveys.

Article 18 (Delegation to Orders)

In addition to what is provided for in this Act, matters necessary in conducting fundamental statistical surveys shall be specified by orders.

Subsection 2 General Statistical Surveys

Article 19 (Approval of General Statistical Surveys)

- (1) The head of an administrative organ shall, when intending to conduct a general statistical survey, obtain approval from the Minister of Internal Affairs and Communications in advance.
- (2) The provisions of Article 9, paragraph (2) and paragraph (3) shall apply mutatis mutandis to the approval set forth in the preceding paragraph.

Article 20 (Standard for Approval)

The Minister of Internal Affairs and Communications shall, when finding that a general statistical survey pertaining to an application for approval under Article 19, paragraph (1) conforms to all of the following requirements, grant approval under the same paragraph:

- (i) The general statistical survey is rational and reasonable in terms of statistical

techniques;

- (ii) Duplication with other statistical surveys conducted by administrative organs is within the limit considered to be reasonable.

Article 21 (Changes in or Suspension of General Statistical Surveys)

- (1) The head of an administrative organ shall, when intending to change an general statistical survey for which he/she had obtained approval under Article 19, paragraph (1), obtain approval from the Minister of Internal Affairs and Communications in advance; provided, however, that this shall not apply when he/she intends to make minor changes specified by an Ordinance of the Ministry of Internal Affairs and Communications.
- (2) The provision of the preceding Article shall apply mutatis mutandis to approval for changes in general statistical surveys specified in the preceding paragraph.
- (3) The head of an administrative organ shall, when intending to suspend an general statistical survey for which he/she had obtained approval under Article 19, paragraph (1), notify to that effect to the Minister of Internal Affairs and Communications in advance.

Article 22 (Request for Improvement of General Statistical Surveys)

- (1) The Minister of Internal Affairs and Communications may, when finding that a general statistical survey which is being conducted based on the approval under Article 19, paragraph (1) has become unconformable to any of the requirements listed in each item of Article 20, request the head of the relevant administrative organ to change matters for requesting a report or take other measures necessary for making the survey conform to the requirements.
- (2) When the head of an administrative organ set forth in the preceding paragraph has not responded to the request under the same paragraph, the Minister of Internal Affairs and Communications may request the suspension of the general statistical survey.

Article 23 (Publication of the Results of General Statistical Surveys, etc.)

- (1) The head of an administrative organ shall, when having compiled the results of a general statistical survey, promptly publicize the results of the general statistical survey and matters specified by the Cabinet Order concerning general statistical surveys through the Internet or through other appropriate methods; provided, however, that if there are any special circumstances, the whole or a part of them

may be withheld to be publicized.

- (2) The provision of Article 8, paragraph (3) shall apply mutatis mutandis to information concerning the results of general statistical surveys.

Subsection 3 Statistical Surveys Conducted by Local Public Entities or Incorporated Administrative Agencies, etc.

Article 24 (Statistical Surveys Conducted by Local Public Entities)

(1) The head of a local public entity (limited to those specified by a Cabinet Order, taking into account the size of the entity; the same shall apply hereinafter, excluding in Article 30, Article 41, item (v) and item (vi), and Article 53) or any other executive committees shall, when intending to conduct a statistical survey, notify the following matters to the Minister of Internal Affairs and Communications in advance, pursuant to the provision of a Cabinet Order. The same shall also apply to the case where he/she intends to change any such matters.

- (i) The title and the purpose of the survey;
- (ii) The coverage of the survey;
- (iii) Matters on which a report is requested and the reference date or period;
- (iv) Persons requested to report;
- (v) Methods for requesting a report;
- (vi) The period for requesting a report.

(2) The Minister of Internal Affairs and Communications may, when finding it likely that the statistical survey for which a notification under the preceding paragraph was made might hinder the implementation of a fundamental statistical survey, request the head of the local public entity or any other executive committees to change or suspend the statistical survey for which the notification was made.

Article 25 (Statistical Surveys Conducted by Incorporated Administrative Agencies, etc.)

An incorporated administrative agency, etc. (limited to those specified by a Cabinet Order as those that are supposed to conduct large scale statistical surveys, taking into account the contents of the business thereof or other circumstances) shall, when intending to conduct a statistical survey, notify the matters listed in each item of Article 24, paragraph (1) to the Minister of Internal Affairs and

Communications in advance, pursuant to the provision of a Cabinet Order. The same shall also apply to the case where it intends to change them.

Section 3 Miscellaneous Provisions

Article 26 (Notice of Methods to Produce Fundamental Statistics)

- (1) The head of an administrative organ shall, when producing fundamental statistics through a method other than statistical surveys, notify the method to the Minister of Internal Affairs and Communications in advance. The same shall also apply to the case where he/she intends to change the method (excluding the case where he/she intends to make minor changes specified by a Cabinet Order).
- (2) The Minister of Internal Affairs and Communications may, when finding it necessary to improve the method of producing fundamental statistics for which a notification was made under the preceding paragraph, present his/her opinions to the head of the relevant administrative organ.
- (3) The Minister of Internal Affairs and Communications shall, when intending to present his/her opinions pursuant to the provision of the preceding paragraph, hear the opinions of the Statistics Commission in advance.

Article 27 (Development of Establishment Frame Database)

- (1) The Minister of Internal Affairs and Communications shall develop an establishment frame database by utilizing questionnaire information pertaining to fundamental statistical surveys or general statistical surveys, questioning juridical persons and other organizations or through other methods, for the purpose of contributing to the accurate and efficient production of statistics by administrative organs, local public entities, and incorporated administrative agencies, etc. that have made a notification under Article 25 (hereinafter referred to as "incorporated administrative agencies, etc. under Article 25") and the reduction of the burden on respondents of statistical surveys by them.
- (2) The head of an administrative organ, the head of a local public entity or any other executive committees, or an incorporated administrative agency, etc. under Article 25 may receive information recorded in the establishment frame database from the Minister of Internal Affairs and Communications for the following purposes:
 - (i) For sampling for the statistical surveys they conduct concerning establishments;

- (ii) For producing statistics concerning establishments.

Article 28 (Establishment of Statistical Standards)

- (1) The Minister of Internal Affairs and Communications shall establish statistical standards pursuant to the provision of a Cabinet Order.
- (2) The Minister of Internal Affairs and Communications shall, when intending to establish statistical standards under the preceding paragraph, hear the opinions of the Statistics Commission in advance. The same shall also apply to the case where he/she intends to revise or abolish such standards.
- (3) The Minister of Internal Affairs and Communications shall, when having established statistical standards under paragraph (1), publicly notify such standards. The same shall also apply to the case where he/she has modified or abolished such standards.

Article 29 (Request for Cooperation)

- (1) The head of an administrative organ may, when finding that utilizing administrative record information held by other administrative organs would contribute significantly to the accurate and efficient production of statistics and the reduction of the burden on respondents of statistical surveys, request the heads of the administrative organs that hold the administrative record information to provide such information. In this case, the head of the administrative organ that requests the provision of administrative record information shall clearly indicate the purpose of using it and other matters specified by a Cabinet Order to the heads of the administrative organs that hold the relevant administrative record information.
- (2) In addition to what is specified in the preceding paragraph, the head of an administrative organ may, when finding it necessary for conducting fundamental statistical surveys smoothly or for producing fundamental statistics, request the heads of other administrative organs to research, report, or offer other cooperation.

Article 30

In addition to what is specified in the preceding Article, the head of an administrative organ may, when finding it necessary for conducting fundamental statistical surveys smoothly or for producing fundamental statistics, request the heads of local public entities and other persons concerned to cooperate.

Article 31

- (1) The Minister of Internal Affairs and Communications may, when finding it necessary for producing fundamental statistics, request the heads of administrative organs, other than the one that produces the fundamental statistics, and other persons concerned to provide necessary materials to and cooperate in other matters with the head of the administrative organ that produces the fundamental statistics.
- (2) The Minister of Internal Affairs and Communications shall, when intending to make a request under the preceding paragraph, hear the opinions of the Statistics Commission in advance.

Chapter III Utilization and Provision of Questionnaire Information, etc.

Article 32 (Secondary Use of Questionnaire Information)

The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may utilize questionnaire information pertaining to statistical surveys they have conducted in the following cases:

- (i) When producing statistics or conducting statistical research (hereinafter referred to as “production of statistics, etc.”);
- (ii) When preparing lists of names to be used for surveys for producing statistics.

Article 33 (Provision of Questionnaire Information)

When persons listed in the following items take the acts specified in the respective items, the head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may provide such persons with questionnaire information pertaining to statistical surveys they have conducted:

- (i) An administrative organ, etc. or a person specified by an Ordinance of the Ministry of Internal Affairs and Communications as deemed to be equivalent to an administrative organ, etc.: the production of statistics, etc. or preparation of a list of names pertaining to surveys for producing statistics;
- (ii) A person who is engaged in production of statistics, etc. that serve public interest which are recognized by an Ordinance of the Ministry of Internal Affairs and Communications as equivalent to the production of statistics, etc. conducted by a person specified in the preceding item: the production of statistics specified by the Ordinance of the Ministry of Internal Affairs and

Communications.

Article 34 (Production of Statistics, etc. by Entrustment)

The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may conduct production of statistics, etc. by utilizing questionnaire information pertaining to statistical surveys conducted by himself/herself in response to the request from the citizens, pursuant to the provision of an Ordinance of the Ministry of Internal Affairs and Communications, within limits that would not cause any hindrance to the performance of his/her business, when finding that it would contribute to the development of academic researches or in other cases specified by an Ordinance of the Ministry of Internal Affairs and Communications.

Article 35 (Production of Anonymized Data)

- (1) The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may produce anonymized data by processing questionnaire information pertaining to statistical surveys they have conducted.
- (2) The head of an administrative organ shall, when intending to produce anonymized data pertaining to fundamental statistical surveys pursuant to the provision of the preceding paragraph, hear the opinions of the Statistics Commission in advance.

Article 36 (Provision of Anonymized Data)

The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may provide anonymized data produced pursuant to the provision of Article 35, paragraph (1) upon a request from the citizens, pursuant to the provision of an Ordinance of the Ministry of Internal Affairs and Communications, when finding that it would contribute to the development of academic researches or in other cases specified by an Ordinance of the Ministry of Internal Affairs and Communications.

Article 37 (Entrustment of Duties)

The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 shall, when intending to entrust all of the work to be conducted pursuant to the provisions of Article 34 or Article 36 with regard to questionnaire information pertaining to statistical surveys they have conducted, entrust such

businesses to incorporated administrative agencies, etc. specified by a Cabinet Order, taking into account the contents of the business thereof or other circumstances.

Article 38 (Fees)

- (1) A person who makes an entrustment to the head of an administrative organ pursuant to the provision of Article 34 or a person who receives the provision of anonymized data produced by the head of an administrative organ pursuant to the provision of Article 36 shall pay a fee specified by a Cabinet Order by taking into account the actual cost to the national government (when an incorporated administrative agency, etc. which have accepted an entrustment under the preceding Article (hereinafter referred to as “entrusted incorporated administrative agency, etc.” in this Article) conduct all of the duties pursuant to the provision of Article 34 or Article 36, a fee shall be paid to the entrusted incorporated administrative agency, etc.).
- (2) A fee paid to an entrusted incorporated administrative agency, etc. pursuant to the provision of the preceding paragraph shall be deemed to be the revenue of the entrusted incorporated administrative agency, etc.
- (3) A person who makes an entrustment to an incorporated administrative agency, etc. under Article 25 pursuant to the provision of Article 34 or a person who receives the anonymized data produced by an incorporated administrative agency, etc. under Article 25 pursuant to the provision of Article 36 shall pay a fee specified by the incorporated administrative agency, etc. under Article 25 by taking into account the actual cost and the amount of fee under paragraph (1) to the incorporated administrative agency, etc. under Article 25.
- (4) An incorporated administrative agency, etc. under Article 25 shall make the fee schedule under the preceding paragraph available for public view.

Chapter IV Protection of Questionnaire Information, etc.

Article 39 (Appropriate Management of Questionnaire Information, etc.)

- (1) Any person listed in the following items shall take measures necessary for managing information specified in the respective items in an appropriate manner:
 - (i) The head of an administrative organ: questionnaire information pertaining to statistical surveys conducted by the administrative organ, questionnaire

information pertaining to fundamental statistical surveys or general statistical surveys to be utilized pursuant to the provision of Article 27, paragraph (1), information recorded in the establishment frame database, administrative record information provided by other administrative organs pursuant to the provision of Article 29, paragraph (1), and anonymized data produced pursuant to the provision of Article 35, paragraph (1);

(ii) The head of a local public entity or any other executive committees: questionnaire information pertaining to statistical surveys conducted by the local public entity, and information recorded in the establishment frame database that was provided by the Minister of Internal Affairs and Communications pursuant to the provision of Article 27, paragraph (2);

(iii) An incorporated administrative agency, etc. under Article 25: questionnaire information pertaining to statistical surveys conducted by the incorporated administrative agency, etc. under Article 25, information recorded in the establishment frame database, and anonymized data produced pursuant to the provision of Article 35, paragraph (1).

(2) The provision of the preceding paragraph shall apply *mutatis mutandis* to a person who has accepted an entrustment of business concerning the handling of information specified in each item of the same paragraph from a person listed in the respective items or a person who has accepted an entrustment of other business pertaining to the entrustment.

Article 40 (Restriction on Use of Questionnaire Information, etc.)

(1) The head of an administrative organ, the head of a local public entity or any other executive committees, or an incorporated administrative agency, etc. under Article 25 shall not utilize themselves or provide questionnaire information pertaining to statistical surveys they have conducted for purposes other than the original purpose of the statistical surveys except as otherwise provided by this Act (in the case of the head of a local public entity or any other executive committees, except as otherwise provided by this Act or an Ordinance of the local public entity).

(2) The head of an administrative organ, the head of a local public entity or any other executive committees, or an incorporated administrative agency, etc. under Article 25 who have received the information recorded in the establishment frame database from the Minister of Internal Affairs and Communications pursuant to the provision of Article 27, paragraph (2) shall not utilize themselves or provide

information recorded in the establishment frame database for purposes other than those listed in each item of the same paragraph.

- (3) The head of an administrative organ who has received the provision of administrative record information pursuant to the provision of Article 29, paragraph (1) shall not utilize himself/herself or provide the administrative record information for purposes other than those clearly indicated pursuant to the provision of the same paragraph.

Article 41 (Confidentiality Obligation)

Any person listed in the following items shall not divulge any secret of individuals or juridical persons, or other organizations which he/she has learned with regard to the business specified in the respective items:

- (i) A person who is or was an official of an administrative organ engaged in the handling of information specified in Article 39, paragraph (1), item (i): the business to handle the information;
- (ii) A person who is or was an official of a local public entity engaged in the handling of information specified in Article 39, paragraph (1), item (ii): the business to handle the information;
- (iii) A person who is or was an executive officer or an employee of an incorporated administrative agency, etc. under Article 25 engaged in the handling of information specified in Article 39, paragraph (1), item (iii): the business to handle the information;
- (iv) A person who has accepted an entrustment of business concerning the handling of information specified in the preceding three items from an administrative organ, a local public entity, or an incorporated administrative agency, etc. under Article 25 or a person who is or was engaged in other business pertaining to the entrustment: the business pertaining to the entrustment;
- (v) In the case where part of the businesses concerning fundamental statistical surveys shall be conducted by a local public entity pursuant to the provision of Article 16, a person who is or was an official of the local public entity engaged in the handling of questionnaire information pertaining to fundamental statistical surveys: information recorded in the establishment frame database, and administrative record information provided by other administrative organs pursuant to the provision of Article 29, paragraph (1): the business to handle the information;

- (vi) A person who has accepted an entrustment of business concerning the handling of information provided in the preceding item from a local public entity provided in the same item, or a person who is or was engaged in other business pertaining to the entrustment: the business pertaining to the entrustment.

Article 42 (Appropriate Management by a Person Who Has Received Questionnaire Information, etc.)

- (1) Any person listed in the following items shall take necessary measures for managing the information specified in the respective items in an appropriate manner:
 - (i) A person who has received questionnaire information pursuant to the provision of Article 33: the questionnaire information;
 - (ii) A person who has received anonymized data pursuant to the provision of Article 36: the anonymized data.
- (2) The provision of the preceding paragraph shall apply mutatis mutandis to a person who has accepted an entrustment of the business concerning the handling of information specified in each item of the same paragraph from a person listed in the respective items or a person who has accepted an entrustment of other business pertaining to the entrustment.

Article 43 (Confidentiality Obligation of a Person Who Has Received Questionnaire Information, etc.)

- (1) Any person listed in the following items shall not divulge any secret of individuals or juridical persons, or other organizations which he/she has learned with regard to the business specified in the respective items:
 - (i) A person listed in paragraph (1), item (i) of the preceding Article who is or was engaged in the handling of questionnaire information specified in the same item: the business to handle the questionnaire information;
 - (ii) A person who has accepted an entrustment of the business concerning the handling of questionnaire information specified in paragraph (1), item (i) of the preceding Article from a person specified in the same item, or a person who is or was engaged in other business pertaining to the entrustment: the business pertaining to the entrustment.

(2) A person who has received questionnaire information pursuant to the provision of Article 33, or a person who has received anonymized data pursuant to the provision of Article 36, a person who has accepted an entrustment of the business concerning the handling of the questionnaire information or the anonymized data from such persons, or a person who is or was engaged in other business pertaining to the entrustment shall not utilize himself/herself or provide the questionnaire information or the anonymized data for purposes other than those for having received the provision thereof.

Chapter V The Statistics Commission

Article 44 (Establishment)

The Statistics Commission (hereinafter referred to as “the Commission”) shall be established in the Cabinet Office.

Article 45 (Affairs under the Jurisdiction)

The Commission shall deal with matters under the authority thereof pursuant to the provisions of this Act.

Article 46 (Organization)

- (1) The Commission shall be composed of 13 members or less.
- (2) Temporary members may be installed in the Commission when it is necessary to have them study and deliberate special matters.
- (3) Expert members may be installed in the Commission when it is necessary to have them research specialized matters.

Article 47 (Appointment of Members, etc.)

- (1) Members and temporary members shall be appointed by the Prime Minister from among persons with relevant knowledge and experience.
- (2) Expert members shall be appointed by the Prime Minister from among persons with relevant knowledge and experience concerning the relevant specialized matters.

Article 48 (Term of Office of Members, etc.)

- (1) The term of office of members shall be two years; provided, however, that the term of office of a fill-in member shall be the remaining term of such a

predecessor.

- (2) Members may be reappointed.
- (3) Temporary members shall be dismissed upon termination of the study of and deliberation on the relevant special matters pertaining to the appointment thereof.
- (4) Expert members shall be dismissed upon termination of the research on the relevant specialized matters pertaining to the appointment thereof.
- (5) Members, temporary members, and expert members shall be part-time.

Article 49 (Chairperson)

- (1) The Commission shall put in place a chairperson, who shall be elected from among the members.
- (2) The chairperson shall preside over the affairs of the Commission and represent it.
- (3) Should the chairperson have an accident, a member he/she has appointed in advance shall carry out the duties of chairperson in his/her place.

Article 50 (Request for Submission of Materials)

The Commission may, when finding it necessary for performing affairs under the jurisdiction, request the heads of relevant administrative organs to submit materials, state their opinions, explain, and offer other necessary cooperation.

Article 51 (Delegation to a Cabinet Order)

In addition to what is provided for in this Act, necessary matters concerning the Commission shall be prescribed by a Cabinet Order.

Chapter VI Miscellaneous Provisions

Article 52 (Exclusion from Application of the Act on the Protection of Personal Information Held by Administrative Organs, etc.)

- (1) Personal information (meaning personal information prescribed in Article 2, paragraph (2) of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) and personal information prescribed in Article 2, paragraph (2) of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. (Act No. 59 of 2003); hereinafter the same shall apply in this paragraph) contained in questionnaire

information pertaining to fundamental statistical surveys and general statistical surveys, personal information contained in the establishment frame database, and personal information contained in administrative record information provided by other administrative organs pursuant to the provision of Article 29, paragraph (1) shall be excluded from the application of such Acts.

- (2) The provisions of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. shall not apply to personal information (such personal information shall be as provided in Article 2, paragraph (2) of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc.) contained in questionnaire information pertaining to statistical surveys conducted by incorporated administrative agencies, etc. under Article 25 which fall under incorporated administrative agencies, etc. provided in Article 2, paragraph (1) of the said Act.

Article 53 (Promotion of Research and Study concerning Methods to Produce Official Statistics, etc.)

The national government and local public entities shall promote research, study and development concerning methods to produce official statistics, and at the same time, shall provide training and take other measures for securing the enumerators and other personnel who are engaged in the production of official statistics and for enhancing their quality.

Article 54 (Provision of Whereabouts Information of Official Statistics)

The Minister of Internal Affairs and Communications shall, for the convenience of persons who intend to utilize official statistics, take necessary measures to promptly provide whereabouts information of official statistics through the use of the Internet or other advanced information and telecommunications networks.

Article 55 (Publication of the Situation of the Enforcement, etc.)

- (1) The Minister of Internal Affairs and Communications may request the heads of administrative organs, heads of local public entities or other executive committees, or incorporated administrative agencies, etc. under Article 25 to report on the situation of the enforcement of this Act.
- (2) The Minister of Internal Affairs and Communications shall compile those reports set forth in the preceding paragraph every year, publicize the outline

thereof and report the outline to the Commission.

- (3) The Commission may, when there have been any reports pursuant to the provision of the preceding paragraph, state its opinions on the enforcement of this Act to the Prime Minister, the Minister of Internal Affairs and Communications, or the heads of the administrative organs concerned.

Article 56 (Request for Submission of Materials and Explanation)

In addition to what is specified in paragraph (1) of the preceding Article, the Minister of Internal Affairs and Communications may, when finding it necessary for the enforcement of this Act, request the heads of the administrative organs concerned or other persons concerned to submit materials and make an explanation.

Chapter VII Penal Provisions

Article 57

- (1) Any person who falls under any of the following items shall be punished by imprisonment with work for not more than two years or a fine of not more than 1,000,000 yen:
- (i) Any person who, in violation of Article 17, acquired information of individuals or juridical persons, or other organizations by using an indication or explanation that might lead persons to misidentify it as a request for a report for the population census or any other fundamental statistical surveys;
 - (ii) Any person who, in violation of Article 41, divulged any secret of individuals or juridical persons, or other organizations which he/she learned with regard to the business thereof;
 - (iii) Any person who, in violation of Article 43, paragraph (1), divulged any secret of individuals or juridical persons, or other organizations which he/she learned with regard to the business thereof.
- (2) An attempt of the crime set forth in item (i) of the preceding paragraph shall be punished.

Article 58

When a person who is or was engaged in the business of fundamental statistics divulged or misappropriated the fundamental statistics prior to the date of publication specified pursuant to the provision of Article 8, paragraph (2), he/she

shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

Article 59

- (1) When a person listed in each item of Article 41 provided or misappropriated the information specified in each item of the same Article that he/she handles, for the purpose of acquiring a wrongful gain for himself/herself or a third party, he/she shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.
- (2) When a person listed in each item of Article 43, paragraph (1) provided or misappropriated the questionnaire information pertaining to his/her handling or utilization thereof, for the purpose of acquiring a wrongful gain for himself/herself or a third party, he/she shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 60

Any person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen:

- (i) A person who hindered another person requested to report a fundamental statistical survey under Article 13 in complying with the request for a report;
- (ii) A person engaged in the production of fundamental statistics who acted to falsify fundamental statistics.

Article 61

Any person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen:

- (i) Any person who, in violation of Article 13, refused to make a report of a fundamental statistical survey or has made a false report;
- (ii) A person who did not submit materials under Article 15, paragraph (1) or submitted false materials, who refused, hindered, or avoided inspections under the same paragraph, or who did not give answers to questions under the same paragraph or gave false answers;
- (iii) A person having received the provision of anonymized data under Article 36, a person having accepted an entrustment of business concerning the handling

of the anonymized data, or a person being or having been engaged in other business pertaining to the said entrustment, who provided or misappropriated the anonymized data for the purpose of acquiring a wrongful gain for himself/herself or a third party.

Article 62

Crimes set forth in Article 57, paragraph (1), items (ii) and (iii), Article 58, Article 59, and Article 61, item (iii) shall apply to a person who committed such crimes outside of Japan.